

WHEN AND HOW MARRIAGE TAX PENALTY IS ELIMINATED IS IMPORTANT

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, it appears that the debate of the day is over the marriage tax penalty, and we have had a very attractive picture of a young couple at their wedding and an indication of what it costs that young couple. I do not think there is any real disagreement in this body over the importance of eliminating the marriage tax penalty. The real question is when do we do it and how do we do it.

There have been estimates circulating in Washington that the plan that the Republican leadership will be trotting out this week will cost three times as much as would be necessary to eliminate the marriage tax penalty if it were limited to moderate income taxpayers, such as the couple whose picture we have seen.

Also, there is a great deal of concern as to how we avoid simply being caught up in the enthusiasm of doing something by Valentine's Day. Well, for one thing, we ought to at least be adopting a budget in this body on a timely basis and making sure that our elimination of the marriage tax penalty fits into the budget that we are dealing with.

So, Mr. Speaker, I think that we would do well to admonish ourselves to proceed in a very deliberate fashion, to consider the alternatives, and to make sure that by the time we are done we are proud of our product and we are proud of our process.

□ 1030

MARRIAGE TAX PENALTY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the problem is there is no surplus. Even though CBO has projected a \$1.9 trillion surplus over the next 10 years, they made false assumptions in coming up with that surplus.

For example, if we project the current level of appropriations and only increase by the rate of inflation, not assuming population changes or any attempt to improve quality of life of the American people, then more than a trillion dollars is going to be used up in meeting just the need to increase by inflation. It does not assume that we will sustain any of the tax extenders.

Obviously, we are going to do that. It does not assume that we will fix the alternative minimum tax. If we do not do that by 2009, we are going to have more than 15 million people paying the alternative minimum taxes. It is going to reach down to people with incomes

below \$50,000 a year. That has to be fixed.

It is going to cost as much as \$230 billion just to sustain the kind of rational tax cuts that are necessary. We want the marriage penalty fixed but not when half of the people that are benefited are now getting a marriage bonus. Because they get married, they pay less taxes. Half of the money in today's bill that is being marked up would go to those families. That is not of the best use of our resources.

PROVIDING FOR CONSIDERATION OF H.R. 2005, WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 412 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 412

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amend-

ments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 412 is a modified open rule providing for the consideration of H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act. The rule provides for one hour of general debate, equally divided between the chairman and ranking member of the Committee on the Judiciary.

After general debate, the bill will be considered under an open amendment process, during which any Member may offer any germane amendment as long as it is preprinted in the CONGRESSIONAL RECORD.

And the minority will have an additional opportunity to change the bill through the customary motion to recommit, with or without instructions.

So I think it is fair to say that this rule encourages a full debate and accommodates any Member who wants to improve upon the underlying legislation.

Mr. Speaker, this act is a bipartisan bill that creates a uniform statute of repose for durable goods. In layman's terms, that means that 18 years after a product is sold, durable goods manufacturers will have some protection from the liability for injury caused by use of their products.

The thinking behind this legislation is that if a product has been used safely for a substantially long period of time, it is not likely that it was defective when it was originally purchased. If an injury occurs after almost two decades of use during which time the manufacturer had no control over the product, it is more likely that the product was either misused or not well maintained. In such cases, it is unfair to hold the manufacturer liable.

The encouraging news is that, in most cases when manufacturers are sued for injuries caused by old products, the manufacturer wins; but this justice is not won without a price. The costs of defending a case involving an old product are more burdensome because establishing a strong defense may involve tracking down an employee who has long since retired, indeed may no longer be alive, digging up old records, and recalling events that occurred many, many years ago.

The time and money required to litigate such cases divert resources that could otherwise be spent on developing